

ESTTA Tracking number: **ESTTA557998**

Filing date: **09/05/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                           |  |
|---------------------------|--|
| Proceeding                | 91211904   |
| Party                     | Defendant<br>CHINO-LATINO, INC.  |
| Correspondence<br>Address | CHARLES B. WITHAM, ESQ.<br>SELTZER CAPLAN MCMAHON VITEK<br>750 B ST<br>SAN DIEGO, CA 92101-8114<br><br>witham@scmv.com |
| Submission                | Answer   |
| Filer's Name              | Frederic G. Ludwig, III  |
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| Signature                 | /s/ Frederic G. Ludwig, III  |
| Date                      | 09/05/2013   |
| Attachments               | Chino-Latino - Answer to Gruma Corp Opposition.pdf(40956 bytes )   |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GRUMA CORPORATION, a Nevada Corporation,  
Opposer,

v.

CHINO-LATINO, INC., a California Corporation,  
Applicant.

Opposition No.: 91211904

Marks: THE MISSION and design; THE  
MISSION CONSCIENTIOUS CUISINE; and  
THE MISSION CONSCIENTIOUS  
CUISINE and design.

**ANSWER TO NOTICE OF OPPOSITION**

Applicant CHINO-LATINO, INC., a California corporation (“Applicant” or “Chino-Latino”), owner of the marks “THE MISSION” and design, “THE MISSION CONSCIENTIOUS CUISINE,” and “THE MISSION CONSCIENTIOUS CUISINE” and design, as reflected in Applications for Registration Serial Nos. 85/735,163, 85/735,180, and 85/735,220, respectively, by and through Counsel of Kyle Ludwig Harris, LLP, respectfully submits the following Answer to the Notice of Opposition filed by Opposer Gruma Corporation, a Nevada corporation (“Opposer” or “Gruma”), in the above-entitled matter:

1. Applicant lacks sufficient knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of Gruma’s Notice of Opposition and, therefore, denies such allegations.
2. Applicant lacks sufficient knowledge or information sufficient to form a belief as to whether Gruma is, indeed, the owner of the various marks and registrations referenced in paragraph 2 of Gruma’s Notice of Opposition. Furthermore, Applicant lacks sufficient

knowledge or information sufficient to form a belief as to whether any such marks are “duly and validly registered on the Principal Register.” Therefore, Applicant denies such allegations.

3. Applicant denies the allegations contained in paragraph 3 of Gruma’s Notice of Opposition.
4. Applicant denies the allegations contained in paragraph 4 of Gruma’s Notice of Opposition.
5. Applicant denies the allegations contained in paragraph 5 of Gruma’s Notice of Opposition.
6. Applicant denies the allegations contained in paragraph 6 of Gruma’s Notice of Opposition.
7. Applicant denies the allegations contained in paragraph 7 of Gruma’s Notice of Opposition.
8. Applicant denies the allegations contained in paragraph 8 of Gruma’s Notice of Opposition.

**FURTHERMORE**, Applicant sets forth the following in support of its position:

9. Applicant’s “THE MISSION” and design, Serial No. 85/735,163, “THE MISSION CONSCIENTIOUS CUISINE,” Serial No. 85/735,180, and “THE MISSION CONSCIENTIOUS CUISINE” and design, Serial No. 85/735,220 (collectively, the “Marks”) are unique and distinctive.
10. The wording of and in Applicant’s Marks are different from the wording in any of words, phrases, and/or designs alleged by Opposer to be its own marks.
11. The appearance of Applicant’s Marks are different from the appearance of any of words, phrases, and/or designs alleged by Opposer to be its own marks.
12. Applicant’s Marks and the words, phrases, and/or designs alleged by Opposer to be its own marks create different commercial impressions.

13. Applicant's Marks and the words, phrases, and/or designs alleged by Opposer to be its own marks concern goods and services offered in different channels of trade and markets, concerning different consumers.
14. Applicant's Marks are not likely to cause confusion, mistake, or deception among consumers of Applicant's goods or services and/or any goods or services allegedly offered by Opposer.
15. Two of Applicant's Marks contain the words "CONSCIENTIOUS CUISINE," which words are not present in any of the words, phrases, and/or designs alleged by Opposer to be its own marks.
16. The inclusion of the words "CONSCIENTIOUS CUISINE" as well as the associated design, with the words "THE MISSION," make Applicant's Marks even more distinctive than Opposer's purported marks.
17. All of Applicant's Marks contain the word "THE" as an initial article, which word is not present in any of the words, phrases, and/or designs alleged by Opposer to be its own marks.
18. The word "MISSION" is registered in numerous trademarks and service marks related to food and not allegedly owned by Opposer.
19. The word "MISSION" is used in commerce by third-parties as part of numerous trademarks and service marks related to food and not allegedly owned by Opposer.
20. Applicant does not sell any pre-packaged product or offer any service in a retail grocery store, convenience market, or any other similar venue.

Applicant hereby appoints Frederic G. Ludwig, III, a member of the State Bar of the State of California, at the firm of:

Kyle Ludwig Harris, LLP  
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to act as attorney of record in the above-entitled opposition, to transact all business in the Patent and Trademark Office, and in the United States courts in connection with such opposition, to sign his name to all papers and communications that are hereinafter to be filed in connection with such opposition, and to receive all communications related to such opposition.

**WHEREFORE**, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit the registration of Applicant's Marks, as described in Applications for Registration Serial Nos. 85/735,163, 85/735,180, and 85/735,220.

Dated this day of September 5, 2013

/s/ Frederic G. Ludwig, III  
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